

FILED BY
Leslie Aronson
Executive Director
5/26/99

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

In The Matter Of	:	Administrative Action
	:	
DANIEL CRUZ, C.S.W.	:	
	:	PROVISIONAL ORDER
Certified to Practice	:	
Social Work in the	:	
State of New Jersey	:	

This matter was opened to the New Jersey State Board of Social Work Examiners ("Board") on information received which the Board has reviewed and on which the following preliminary findings are made:

FINDINGS OF FACT

1. Daniel Cruz ("respondent") has been a licensee of the Board at all times relevant hereto.

2. On or about April 30, 1999, a Judgment of Conviction, a copy which is annexed hereto and made a part hereof, was entered by the New Jersey Superior Court, Passaic County, Law Division-Criminal. The Judgment of Conviction reveals that respondent was originally charged with 2nd degree Sexual Assault (counts one and three) in violation of N.J.S.A. 2C:14 c(1) and 4th degree Criminal Sexual Contact (counts two and four) in violation of N.J.S.A. 2C-

14-3 b. Respondent entered a plea of guilty to the final charges of two counts of 4th degree Criminal Sexual Contact in violation of N.J.S.A. 2C-14-3(b).

3. The Criminal Sexual Contact was committed against a mentally disabled adult whom was under the care of respondent in respondent's capacity as a social worker at a YMCA.

4. For the conviction of count two of Criminal Sexual Contact, respondent was sentenced to the Passaic County Jail for 364 days and Probation for three years.

5. For the conviction of count four of Criminal Sexual Contact, respondent was sentenced to the Passaic County Jail for 364 days and Probation for three years to be concurrent with count two.

5. Counts one and three were dismissed.

6. Respondent was ordered to maintain full time employment and to attend counseling in a Sex Offenders Program, where he shall not be released from counseling without further Order of the Court. Respondent was further ordered to have no contact with the victim and no contact with any person who is mentally limited.

CONCLUSIONS OF LAW

Pursuant to N.J.S.A. 45:1-21 (c) and(f) and N.J.A.C. 13:44G-10.7, respondent's conduct as set forth herein constitutes grounds for suspension or revocation of respondent's certification to practice social work in the State of New Jersey in that respondent has been convicted of a crime involving moral turpitude.

IT IS, THEREFORE, ON THIS ^{26th} DAY OF MAY 1999

ORDERED THAT:

1. The certification of respondent Daniel Cruz to practice social work in the State of New Jersey shall be and is hereby revoked effective upon the date the within Order becomes final pursuant to paragraph #3. Whereupon, respondent shall immediately surrender his certificate to the Board by sending it to Leslie Aronson, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101.

2. Respondent shall immediately cease and desist from engaging in social work in the State of New Jersey.

3. The within Order shall become effective and final at 5:00 P.M. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) submitting a written request for modification or dismissal to Leslie Aronson, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101;

b) setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed;

c) submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an

evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary Findings of Fact and Conclusion of Law contained herein shall serve as notice of the factual and legal allegations in such proceedings.

NEW JERSEY STATE BOARD OF SOCIAL WORK EXAMINERS

By: Mariagnes E. Lattimer
Mariagnes Lattimer, MSW, LCSW
President